

THE NATIONAL ERA.

WASHINGTON, OCTOBER 10, 1850.

THE LAW IN RELATION TO FUGITIVES FROM SERVICE OR LABOR.

Before the enactment of the present law in relation to fugitives from service or labor, a person claimed as a fugitive might be arrested, and transferred, with or without legal process, to the State under the laws of which he was alleged to owe service or labor. The *writ of habeas corpus*, however, could be resorted to for the purpose of releasing him from dues, and bringing him before a legal tribunal, where the validity of the claim might be tried. The person arresting him, too, was liable to an action for false imprisonment, or to the penalties imposed on kidnapping, should his claim be proven to be false or fraudulent.

The act passed by the late Congress is framed in such a way as to bring the whole power of the United States into requisition for the arrest and delivery of fugitives from service or labor, and to exclude any interposition or interference on the part of the State courts or authorities.

Under the act of 1793, any Federal judge is authorized, and, when called upon, required, to issue a warrant for the arrest of an alleged fugitive, to pronounce upon the claim to his services, and to deliver him up to the claimant, should the claim be proved to be valid. The act just passed extends the power of issuing process in such cases, and deciding upon them, to the commissioners appointed by the Circuit Courts of the United States, authorized in virtue of such appointment to exercise the functions and justices of the peace may exercise in respect to offences against the United States; and to as many additional commissioners as the Circuit Courts may from time to time appoint, with a view to afford all reasonable facilities for the arrest and delivery of fugitive slaves. There is no limitation as to the number, except the discretion of the Courts—so that the States may be crowded with these slave-catching tribunals.

When the trial is held before a Commissioner, his fee, where a certificate is rendered to the claimant, is ten dollars; where the proof is insufficient, and no certificate rendered, five dollars; to be paid, in either instance, by the claimant.

So that, if he have six cases a week, he will make sixty dollars by finding the proof sufficient, and only thirty when it is found insufficient.

As he has the sole power of determining what shall be considered "satisfactory" evidence, and as there can be no appeal from his decision, the act of Congress in this way considerably proffers a reward for being lax towards the claimant, and rigorous towards the alleged fugitive.

The Commissioners appointed by the Courts may be destitute of all legal qualifications—incompetent to judge of the nature and value of testimony. Few respectable men will consent to become professional slave-catchers—to submit to the discharge of functions so abhorrent to those imposed by the office of Commissioner. The result will be, that the office will be filled by men of disreputable or irresponsible character, who will not hesitate to speculate in the business of slave-catching.

Upon such men, equally with the Judges of the Supreme Court, and the Circuit Courts of the United States, is devolved the solemn responsibility of deciding the great question of Personal Liberty—of determining whether a man claimed as a fugitive, be a slave or freeman. It is for them alone to say what is satisfactory evidence. They may receive a fraudulent affidavit, or the testimony of a perjured witness, and they cannot be held to an account. No jury is allowed to decide upon the facts. They decide upon the law, the testimony, and the facts; act under no responsibility—for no appeal lies from their decision, and their certificate, and their proposed action calculated only to entrap them from the Whig party, and to work mischief both to themselves and the principles to which they profess to be attached.

The remarks of the *Advertiser* are to the point.

The Convention was composed of delegates fairly elected in accordance with the usages of the Whig party, and the result was a clear majority in favor of the position occupied by Mr. Seward. No irregularity—no fraud, vitiated the organization of the Convention. It was a fair representation of the party, and by the decision of an undoubted majority, deliberately expressed, the course of Mr. Seward, and the Whig representatives from New York who concurred with him, was emphatically endorsed.

No could it be pretended that these gentlemen had violated their instructions or the sense of the party, repeatedly affirmed in District and State Conventions, and through legislative resolves.

The party and its leading journals had boasted of its paramount, inflexible devotion to the Jeffersonian policy of slavery-restriction, and had insisted, without ceasing that it was the party of Progress, consecrated to the cause of human freedom, and pledged to seek the extinction of slavery by all constitutional means.

Mr. Seward and his friends, in calling a State Convention to support the Administration against the action of the regular Whig State Convention, because it openly endorsed a policy to which that Administration, through its leading members, stands pledged! Mr. Fillmore should permit these gentlemen to retire on third-rate Charges.

sponsability, in defiance of the ordinary forms of law, with an exclusive regard to the interests of slaveholders, which stripped a large portion of their population of all protection against fraud and force, which let loose the kidnappers among them, and compelled them to look upon and tolerate at their very breasts the palpitating, hideous form of Slavery, with its manacles and handcuffs, touched them to the quick, aroused their humanity, their conscience, their State pride, their constitutional love of Liberty, their habitual hatred of Slavery—and now, from the press, secular and religious, Whig, Democratic, and Anti-Slavery? Did not Mr. Webster and his friends justify their abandonment of the Wilmot Provision, on the express ground that it was rendered unnecessary by the "law of God"—all ways declaring that, whenever necessary, they would be in favor of its application? And did these bolters so far forget the position of their great leader, as to take the ground that, should his policy prove insufficient for the protection of the Territories, should it become evident that slavery was about to be extended into them, even the renewed agitation of the slavery question ought not to be tolerated? Such is the ground virtually occupied in this facts call. We are left to infer that the Convention about to assemble at Utica is to pledge itself against all resistance to slavery, no matter how imminent the danger of its extension. And with this base policy Messrs. Duer, Granger, & Co., endeavor to identify the Administration of President Fillmore! Why, Daniel Webster never committed himself to such a policy as this. On the contrary, he was his great specialty, which he poured out in his defense of the subject, and so plied himself to the same policy as that advanced by the late Whig Convention. To put this beyond doubt, we present in parallel columns the resolve of the Convention and the declaration, twice repeated, by Daniel Webster:

Resolved, That we are uncompromisingly opposed to the extension of slavery; and while we would not make such opposition a ground of strife, we are determined to maintain it, so far as it exists, yet moderately, but firmly, insist that it is the duty of Congress to oppose its extension to territory now, by all means compatible with the obligations of the Constitution, and the great faith of our country. At these principles were recognized by the Ordinance of 1787, which received the sanction of Thomas Jefferson, who is acknowledged by all to be the great oracle and expounder of our faith!

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THE NATIONAL ERA.

For the National Era.
HOURS AT HOME.

BY THOMAS S. DONOHO.

God bless thee, May! This sultry afternoon,
Weary and sad of thought, I came to thee,
To find a quiet place where I might have a home.
There hast thou, like a poor, disengaged town,
Within my heart was sorrow meeting sorrow,
And none that ever dreamed of brighter morn.

I closed mine eyes. Now softly through the room
I heard the careful step of her I love;
And presently there spread a pleasant gloom
Around me, for the sunbeams bright above,
Too bright for slumber. Presently I knew
She stood and gazed, and watched each breath I drew.

Then stole away a tenderly—one look;
A long and sweet one, as she passed the door,
To find a quiet place where I might have a home.
Her silo steps mounting to our chamber floor.
Of this a part I saw, and it's a part,
For love overeth, even though it break my heart!

Over my sorrows come the smile of peace,
As over stormy waves the sunset ray,
Till, less and less disturbed, at last they cease,
And calmly mirror back the golden day.
Over the dulness of my soul came love,
Bearing an olive-branch, like Noah's dove.

And then I fancied brighter time, and then
Distantly rose a vine-clad cottage wall,
Far down the forest-winding of a glen,
And near the twinkling of a waterfull;
Of this was all mine own, O may it last!

And there were moments bright enough only few,
With shade, in moments gay, my faintest bower,
Or by my social heart, in winter, drew,
While verse and story sped the pensile hour.
Not the city lay: Sabbath time,
Over the hills we heard the smile of peace!

What parties on the grassy plain!
What rambling riders on the bending trees!
With such a joyous spirit, and a gaying tone,
One day May and I, the earliest breezes
Waved her sapphire earring, as gleefully
Her proud steed bounded, so wild and free!

On sprouting steeds through sun-and-cheeked shade,
Down the green vale, and up the gully hill,
Instantly, in full career,

And stood with necks, waiting our will;
Dismounting, then we rested by a spring,
Drank cool tide, and heard the liming song:

And watched the brack oaks that thrall'd us;

And through the forest vials looked afar,

Singing, and laughing, and living on.

Came surely with the morn the evening star:

To pass, perchance, the early hours of night.

With books made that every darkness light!

We lived not for ourselves alone;—we taught

Whate'er of wisdom and of good we knew,

And our reward was—only this we sought—

The grateful smile that often met our view,

The consciousness that children loved us more,

And our old men, entering, blessed our cottage door!

In the lone forest sometimes would I stray;

And mid the inspiration breathing there,

When my thoughts pursue their mazy way,

Singing, and laughing, and living on.

Trusting thy word, art, oft be read;

When he who wrote them clombed up the dead.

Again, when desolate the whistling woods,

In the small book-room would we sit together,

Where some sweet page preserv'd our own world green,

Enchanting it beyond all gloomy weather:

Or, also, there, would come the lighthearted rhyme,

With which our hearts, forever young, kept time.

And this—I know not how it was—was now;

We were not old, but looking forward yet

Right trustfully with calm, exalted brow,

To many joys, before our sun should set,

And fearing loss of all, when sank that light;

Do we not the stars shine out to bless the night?

Were those that play'd the part of living soul,

Faithful and kind, confrating us?

And, where her tenderness controll'd,

Soothing and cheering, by her angel love,

Parting the cloud, revealing Heaven above!

Her smiling face!—I wake! It was before me,

As so lovingly 'twas bending o'er me,

I gaze; I smile; then could not chose but weep.

My heart, too, yearns, the storm that darkly lowered

Bolted back, by love's omnipotence overthrown!

Washington, October, 1850.

REMARKS OF MR. S. P. CHASE, OF OHIO.

IN THE

Course of the debate in the Senate on his motion to strike out the second section of the Fugitive Slave Bill, August 24, 1850.

The following extract from the resolution for fugitives from service, as offered by Mr. Underwood of Kentucky, being under consideration, Mr. Chase moved to strike out the second section, in these words:

"Sir. 2d. And it further enacted, That the superior court of each organized Territory of the United States shall have the power to appoint commissioners to take evidence of fact, and affidavits, and to take depositions of witnesses in civil causes, which is now possessed by the circuit courts of the United States; and all commissioners who are appointed for such purpose, by the superior court of any organized Territory of the United States, shall have the power, and exercise all the duties, conferred by law upon the commissioners appointed by the circuit courts of the United States for similar purposes, and all power and exercise and discharge all the powers and duties conferred by the third section of the act of Congress, approved February 12, 1850, in the preceding section of this act mentioned."

The first section authorized and required the commissioners in the circuit courts of the United States to act as commissioners for the trial of fugitives from service, as the judges of the United States were required to act by the law of 1793—that is, to examine claims to alleged fugitives from service, and, if satisfied as to the validity of the claim, to release the slave to the master in the State from which the escape was made. It was, however, remembered that this act authorizes seizure without process, examination without opportunity of defense, trial without jury, and decision without appeal.

The motion of Mr. Chase, therefore, was, in effect, to deny the right of the slaveholder to re-claim as a slave any person escaped into the Territories.

Mr. Chase said: "The object of this amendment is merely to conform the provision of this bill to those of the Constitution. The Constitution provides that 'no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation thereto, be subject to service or labor there in, except as a slave.' This is the reason why I ask it be stricken out."

Mr. BERKIN of Georgia, BUTLER of South Carolina, and UNDERWOOD of Kentucky, objected to the right of slaveholders to hold slaves in the Territories, as the rights of slaveholders to hold slaves in the Territories.

Mr. BERKIN said that the proposed amendment indicated a disposition "to do just what is absolutely required by the letter of the Constitution, and refutes which the spirit of the Constitution does not equally imperative." He insisted that Congress had no power to interfere with the undisturbed enjoyment of their slaves in the Territories.

Mr. BUTLER insisted that the only reason for not referring to Territories, in the clause of the Constitution, was, that the framers of the Constitution took it for granted that the Territories were open to the exercise of slaveholding over their slaves as well as others, with their property; and "we have agreed that slaves would be excluded, except by State Government."

Mr. UNDERWOOD referred to the provision in the Constitution for the reclamation of slaves escaped into Territories, and relied on it as authority for the legislation of the bill.

Mr. BUTLER spoke with some heat. He characterized the proposition of Mr. CHASE as "perverse" and "extravagant," and called for the same as a commentary, he said, upon notes known here, to see how many on them there was and ways being ordered.

Mr. BALDWIN of Connecticut expressed his dissent from the views of Mr. CHASE. "Whatever compensation is due to the slaveholder in the event of his capture and delivery of fugitive slaves, escaping from one State to another does equally exist, in my opinion, in regard to a slave escaping into a Territory of the United States." "We have exclusive jurisdiction," he said, "over the Territories. No other power can interfere there. And shall we refuse to do in a Territory, subject to our control, the same thing that the Constitution requires us to do in a State?"

Mr. CHASE. A few words in reply to the legal questions made by different gentlemen.

The Senator from Georgia thinks that we ought to legislate in conformity with the spirit as well as the letter of the Constitution, and although the letter of the Constitution does not bind or au-

thorize the General Government to return fugitives escaped into the Territories, we ought to assume a power beyond the Constitution, and legislate for that object. I suppose the decisions of almost every State in the Union, before which this question of slavery has come, have determined—so that it is now not a minor operation, but a condition I have taken might be affected in some degree by what has fallen from the Senator from South Carolina. It is quite easy to use epithets; but epithets prove nothing. It is very easy to say that a provision is unconstitutional—"unconstitutional" it. He claims that we have the constitutional power to do in virtue of the general authority of Congress over the Territories. He insists that we may, if we choose to establish slavery in the Territories as fully as it is established in any State; or, to the limited extent of providing for the measure and extent of slavery, as fugitives from the Territories come to us.

He asks me if I do not admit this doctrine, I am act for the relief of Joseph P. Williams.

An act for the relief of Captain Nathan Adams of the U.S. Revenue Cutter Service.

An act to amend an act entitled "An act for the relief of D. A. Watterston."

An act for the relief of Lewright Browning.

An act to authorize Thomas Ginnally to hold joint accounts during the accounting officers of the Treasury to adjust the account of Newt Lane, late pension agent at Louisville.

An act to extend the term of office of the Commissioner of Internal Revenue.

An act to make further appropriations for public buildings.

An act to make further appropriations for the public buildings in the Territories of Minnesota and Oregon.

An act to supply deficiencies in the appropriate appropriation for the fiscal year ending the 30th of June, 1851.

An act making appropriations for certain fortifications of the United States for the year ending June 30, 1851.

An act making appropriations for the support of the Military Academy for the year ending the 30th of June, 1851.

An act making appropriations for the Naval service for the year ending the 30th of June, 1851.

An act making appropriations for the payment of salaries of the members of the Senate and the House of Representatives.

An act making appropriations for the payment of salaries of the members of the House of Representatives.

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